



City of San Gabriel

◆ City With A Mission ◆ Founded 1771 ◆

Nina Castruita, Deputy City Clerk ◆ 626-308-2816

July 16, 2008

Ms. Sachi A. Hamai
Executive Officer Board of Supervisors
Kenneth Hahn Hall of Administration
500 West Temple Street, Room 383
Los Angeles, CA 90012

RE: CITY OF SAN GABRIEL – NOVEMBER 4, 2008 SPECIAL MUNICIPAL ELECTION

Dear Ms. Hamai:

On July 15, 2008, the San Gabriel City Council adopted the following resolutions related to the November 4, 2008 Election:

- **RESOLUTION NO. 08-16**, a Resolution of the City Council of the City of San Gabriel, California, calling and giving notice of the holding of a Special Municipal Election to be consolidated with the Statewide General Election to be held on Tuesday, November 4, 2008, for the submission to the voters a question relating to the Utility Users Tax.
- **RESOLUTION 08-17**, a Resolution of the City Council of the City of San Gabriel, California, requesting the Board of Supervisors of the County of Los Angeles to consolidate a Special Municipal Election to be held on November, 4, 2008 with the Statewide General Election to be held on the date pursuant to § 10403 of the Elections Code.
- **RESOLUTION 08-18**, a Resolution of the City Council of the City of San Gabriel, California, setting priorities for filing (a) written argument(s) regarding a City measure and directing the City Attorney to prepare an impartial analysis.

Certified copies of these resolutions are enclosed for Board approval. Certified copies have also been hand delivered to the Elections Department at the Los Angeles County Registrar-Recorders office.

If you should have any questions or require anything further, please do not hesitate to contact me at 626/308-2816 or at ncastruita@sgch.org.

Sincerely,

Nina Castruita
Deputy City Clerk

Enclosures

cc: L.A. County Registrar-Recorders Election Coordination Section

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

FD-36

RESOLUTION NO. 08-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN GABRIEL, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008, FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO THE UTILITY USERS TAX.

WHEREAS, under the provisions of the laws relating to General Law Cities in the State of California, a Special Municipal Election shall be held on November 4, 2008, for the submission to the voters a question relating to the Utility Users Tax.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN GABRIEL, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of San Gabriel, California, on Tuesday, November 4, 2008, a Special Municipal Election for the purpose of submitting to the voters a question relating to the Utility Users Tax.

SECTION 2. Pursuant to Article XIII C, Section 2(b) of the California Constitution, the City Council hereby unanimously declares the existence of an emergency in that there are imminent financial risks and dangers to the public welfare and to the City's ability to provide essential municipal services without disruption and to fund necessary repairs and maintenance of City infrastructure and facilities, so that a special election is necessary to address such risks and dangers. The risks and dangers include, but are not limited to, legal challenges to the Federal Excise Tax references in the City's utility users tax ordinance as well as the current State budget crisis that threatens to take away funds that are necessary for services, repairs and maintenance. Further, legislation (H. R. 5793) has been introduced in the United States Congress, which would impose a five-year moratorium on new local wireless taxes, and could limit the ability of the City to respond to possible future adverse court rulings regardless of the City's existing utility users tax on wireless communications. The Council therefore directs that the election be held at the earliest possible opportunity, November 4, 2008.

SECTION 3. That the City Council, pursuant to its right and authority, does order submitted to the voters at the Special Municipal Election the following question to be decided by a majority of votes cast:

To fund general city services, including repairing, paving and maintaining local streets; keeping public areas and landscapes clean and well-maintained; preserving fire and paramedic emergency response times; improving police protection and investigations that reduce crime, shall the City of San Gabriel's existing utility users tax ordinance be amended to reflect changes in technology and federal law; and increased from 6% to 8%, with mandatory audits and all money staying local for services and facilities in San Gabriel?	YES
	NO

SECTION 4. That the proposed complete text of the measure (Ordinance) submitted to the voters is attached as Exhibit A.

SECTION 5. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 6. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in § 14401 of the Elections Code of the State of California.

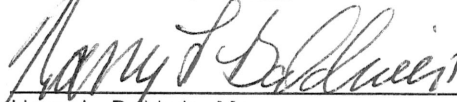
SECTION 7. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 8. That the City of San Gabriel recognizes that additional costs will be incurred by the County by reason of consolidation and agrees to reimburse the County for any costs.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.


PASSED, APPROVED AND ADOPTED ON JULY 15, 2008.

CITY OF SAN GABRIEL



Harry L. Baldwin, Mayor

ATTEST:



Nina Castruita, Deputy City Clerk

1 I, Nina Castruita, Deputy City Clerk of the City of San Gabriel, do hereby certify
2 that the foregoing resolution was adopted by the San Gabriel City Council at a regular
3 meeting held thereof on the 15th of July, 2008, by the following vote, to wit:

4
5 Ayes: Baldwin, Costanzo, Gutierrez, Huang, Sawkins

6 Noes: None

7 Abstain: None

8 Absent: None

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11 _____

12 Nina Castruita, Deputy City Clerk

13 City of San Gabriel, California

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15
16 I hereby certify that the foregoing document is a
17 full true and correct copy of

18 Resolution 08-16
19 on file in the office of the City Clerk of the City of
20 San Gabriel, California.

21 Anna Egabon 7-16-08
22 Office of the City Clerk Date
23 City of San Gabriel
24

RESOLUTION NO. 08-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN GABRIEL, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER, 4, 2008 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO § 10403 OF THE ELECTIONS CODE.

WHEREAS, the City Council of the City of San Gabriel called a Special Municipal Election to be held on November, 4, 2008 for the purpose of submitting to the voters a question relating to the Utility Users Tax; and

WHEREAS, it is desirable that the Special Municipal Election be consolidated with the Statewide General election to be held on the same date and that within the city the precincts, polling places and election officers of the two elections be the same, and that the county election department of the County of Los Angeles canvass the returns of the Special Municipal Election and that the election be held in all respects as if there were only one election;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN GABRIEL DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of § 10403 of the Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree to the consolidation of a Special Municipal Election with the Statewide General Election on Tuesday, November, 4, 2008 for the purpose of submitting to the voters a question relating to the Utility Users Tax.

SECTION 2. That a measure is to appear on the ballot as follows:

To fund general city services, including repairing, paving and maintaining local streets; keeping public areas and landscapes clean and well-maintained; preserving fire and paramedic emergency response times; improving police protection and investigations that reduce crime, shall the City of San Gabriel's existing utility users tax ordinance be amended to reflect changes in technology and federal law, and increased from 6% to 8%, with mandatory audits and all money staying local for services and facilities in San Gabriel?	YES
	NO

SECTION 3. That the county election department is authorized to canvass the returns of the Special Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.


SECTION 4. That the Board of Supervisors is requested to issue instructions to the county election department to take any and all steps necessary for the holding of the consolidated election.

SECTION 5. That the City of San Gabriel recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

SECTION 6. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the county election department of the County of Los Angeles.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED ON JULY 15, 2008.


Harry L. Baldwin, Mayor

ATTEST:


Nina Castruita, Deputy City Clerk

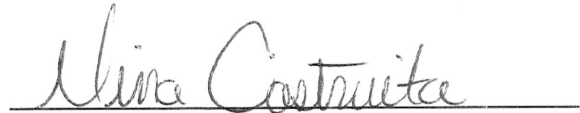
1 I, Nina Castruita, Deputy City Clerk of the City of San Gabriel, do hereby certify
2 that the foregoing resolution was adopted by the San Gabriel City Council at a regular
3 meeting held thereof on the 15th of July, 2008, by the following vote, to wit:
4

5 Ayes: Baldwin, Costanzo, Gutierrez, Huang, Sawkins

6 Noes: None

7 Abstain: None

8 Absent: None
9


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12 Nina Castruita, Deputy City Clerk

13 City of San Gabriel, California
14

15
16 I hereby certify that the foregoing document is a
17 full true and correct copy of

18 Resolution 08-17
on file in the office of the City Clerk of the City of
San Gabriel, California.

19 
Office of the City Clerk Date
20 City of San Gabriel
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RESOLUTION NO. 08-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN GABRIEL, CALIFORNIA, SETTING PRIORITIES FOR FILING (A) WRITTEN ARGUMENT(S) REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS.

WHEREAS, a Special Municipal Election is to be held in the City of San Gabriel, California, on November 4, 2008, at which there will be submitted to the voters the following measure:

To fund general city services, including repairing, paving and maintaining local streets; keeping public areas and landscapes clean and well-maintained; preserving fire and paramedic emergency response times; improving police protection and investigations that reduce crime, shall the City of San Gabriel's existing utility users tax ordinance be amended to reflect changes in technology and federal law, and increased from 6% to 8%, with mandatory audits and all money staying local for services and facilities in San Gabriel?	YES
	NO

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN GABRIEL, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the City Council authorizes ALL members of the City Council to file a written argument In Favor of or Against the City measure, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and to change the argument until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk.

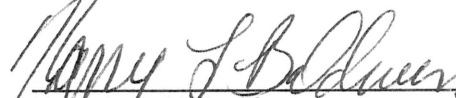
The arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument.

SECTION 2. That the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney, unless the organization or salaries of the office of the City Attorney are affected. The City Attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. If the measure affects the organization or salaries of the office of the City Attorney, the City Clerk shall prepare the impartial analysis. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

SECTION 3. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED ON JULY 15, 2008.

CITY OF SAN GABRIEL


Harry L. Baldwin, Mayor

ATTEST:


Nina Castruita, Deputy City Clerk

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6 Noes: None

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12 Nina Castruita, Deputy City Clerk

13 City of San Gabriel, California

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20 Diana Eggehorn 7/14/08
Office of the City Clerk Date
City of San Gabriel

